

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Patrick Mulholland,

Plaintiff,

v.

Case No. 1:06cv758

Progressive Direct Insurance Co.,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court pursuant to Plaintiff's Motion to Remand (Doc. 10).

Plaintiff asserts that this Court lacks jurisdiction as the amount in controversy does not exceed \$75,000. To support this assertion, Plaintiff attached a stipulation signed by Plaintiff's Counsel stipulating "that the Progressive policy limit is \$50,000.00, and as a result he is not seeking damages in excess of \$75,000.00." (Doc. 10, Exh. 1). Additionally, the face of the complaint indicates that Plaintiff demands a judgment in excess of \$25,000. Finally, Defendant Progressive Direct Insurance Company has failed to respond to Plaintiff's Motion to Remand.¹

A district court shall have jurisdiction over a civil case where the amount in controversy exceeds \$ 75,000 and is between citizens of different states. See 28 USC § 1332. According to the caption of the Amended Complaint (Doc. 4), Plaintiff resides in South Carolina, and the defendants reside in Kentucky and Ohio. Although it appears that the parties involved in this matter are citizens of different states, based upon the unopposed stipulation filed by Plaintiff, the amount in controversy does not exceed

¹Local Rule 7.2(a)(2) specifically provides that "failure to file a memorandum in opposition may be cause for the Court to grant any Motion..." .

\$75,000. Thus, this Court lacks jurisdiction and remand is proper.

The Clerk of Court is directed to REMAND this matter to the Warren County Court of Common Pleas and terminate this matter from the docket of this Court.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court